

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

NO LABELS,

)

)

Plaintiff,

)

)

v.

) Case No. 1:23-cv-01384-GBW

)

NOLABELS.COM INC.,

)

)

Defendant.

)

**DECLARATION OF KELVIN MCINTYRE IN SUPPORT OF
DEFENDANT NOLABELS.COM INC.'S OPPOSITION TO
MOTION FOR TEMPORARY RESTRAINING ORDER AND/OR
MOTION FOR PRELIMINARY INJUNCTION**

I, Kelvin McIntyre, declare that the following is true and correct to the best of my knowledge, information and belief:

1. I am over the age of 18 and I make this declaration based on personal knowledge.
2. I am an advisor to NoLabels.com Inc. who lives in Los Angeles, CA.
3. I make this declaration in support of Defendant's Opposition to Motion for Temporary Restraining Order and/or Motion for Preliminary Injunction, based on my information, knowledge and belief and the records in this matter.
4. The timeline for NoLabels.Com, Inc.'s acquisition of NoLabels.com is as follows:
 - a. On September 24, 2023, American Patriot Project ("APP"), a vendor to NoLabels.Com, Inc., initially leased NoLabels.com via Dan.com, a GoDaddy subsidiary;
 - b. On October 11, 2023, APP paid off the lease to take full possession of NoLabels.Com;
 - c. On November 7, 2023, NoLabels.com Inc. was incorporated as a 501(c)(4) organization in Delaware;
 - d. On November 16, 2023, the NoLabels.com website went live; and
 - e. On November 29, 2023, NoLabels.com purchased Google Adwords search advertising through a vendor.

5. NO LABELS has been characterized in the media as a “movement.” Even in an article in the Sunflower State Journal in which Plaintiff’s own Chief Strategist Ryan Clancy provided multiple comments, he did not correct the characterization of NO LABELS as a movement. A true and accurate copy of this article is attached hereto as Exhibit A.

6. Moreover, Plaintiff, in its own words and in its own content, refers to NO LABELS as a movement, and asks people to “join the movement.” Videos evidencing the same, which were posted on December 11, 2023, can be accessed through these links:

<https://www.facebook.com/NoLabels/videos/1560134108067977> and
<https://www.facebook.com/reel/683626407233930>.

7. Likewise, on December 12, 2023, Plaintiff posted a video to its Facebook page in which one of its surrogates indicated that in the upcoming 2024 presidential election, the perception of Plaintiff will be about the idea that “the individuals that are the ticket,” suggesting that candidates get to define what NO LABELS is. The Facebook video can be accessed through this link: <https://www.facebook.com/NoLabels/videos/1838845839880277>.

8. Indeed, individuals have created their own communities, not officially controlled by Plaintiff, supporting the NO LABELS movement. For example, one such group is on Facebook as the “No Labels Party 2024.” A true and accurate printout of this Facebook page is attached hereto as Exhibit B.

9. In addition, the Arizona Secretary of State’s Voter Registration Statistics website lists NO LABELS as a political party and shows that 18,799 Arizonians have registered as voters affiliated with NO LABELS as of October 2023. A true and accurate printout of this website is attached hereto as Exhibit C.

10. I declare under penalty of perjury that the foregoing is true and correct. Executed on the 14th day of December, 2023.

Dated: December 14, 2023


Kelvin McIntyre